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EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
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3621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/051,048

Applicant(s)

ABE ET AL.

Examiner

Charlie C. Agwumezie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15, and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/21/04; 02/02/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 18, 2006 has been entered.

Status of Claims

2. Claims 5 and 16 are cancelled. Claims 1-14, and 17-20 are amended. Claims 1-4, 6-15 and 17-20 are pending in this application per the request for continued examination filed on September 18, 2006.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 8, 11, 15, 18, and 19, are rejected under 35 U.S.C. 102(e) as being anticipated by Finch U.S. patent No. 6,850,902.

As per **claim 1**, Finch discloses a method performed by a computer system for providing secondhand article information, comprising:

a usage data collection step in which, usage data showing facts relating to usage of a plurality of articles are collected, when said plurality of articles has been used (fig. 2; col. 1, lines 50-65; "...the age and hours of usage of the machinery...");

a usage history storage step in which collected usage data are stored as usage history in a database (col. 1, lines 10-20; "...storing information in computerized database..."); and

a usage history provision step in which, the usage history of a selected article, stored in said data base and selected by a customer from among the plurality of articles, is provided to the customer via a network, while said plurality of articles is being put up for sale as secondhand articles (fig. 1; col. 1, lines 10-20, 50-65; col. 2, lines 15-20; ...accessible by multiple levels of users...)

a usage data recollection step in which said usage data are recollected when said plurality of articles is used while said plurality of articles is being put up for sale as a secondhand articles (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information

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relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...);

usage data updating step in which the history of the said plurality of articles stored in said data base are updated based on the recollected usage data (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...); and

an updated usage history provision step in which the updated usage history of said selected article stored in said data base, is provided to the customer via the network, while said usage history of said plurality of articles are updated (fig. 2; col. 1, lines 20-30, 50-65; col. 2, lines 15-20; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...),

Wherein said usage data comprise operation data that shows an amount of work done by said article (col. 1, lines 50-65; "...the age and hours of usage of the machinery...").

As per **claims 7 and 18**, Finch further discloses a method further comprising a download step of downloading the usage history or service history for said plurality of articles, which are stored in said data base, to a terminal used by said customer via a network (col. 2, lines 15-50)

As per **claim 8**, Finch discloses a method performed by a computer system for providing secondhand article information, comprising:

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a current state data collecting step in which, current state data that shows a current state of a plurality of articles are collected at intervals, while said plurality of articles is being put up for sale as a secondhand article, (fig. 2; col. 1, lines 50-65; "...the age and hours of usage of the machinery...");

a current step data storage step in which collected current state data are stored in said data base (col. 1, lines 10-20; "...storing information in computerized database...");

a current state data provision step in which the current state data for a selected article, stored in said data base, and selected by the customer from among said plurality of articles are provided to a customer via a network, while said article is being put up for sale as a secondhand article (fig. 1; col. 1, lines 10-20, 50-65; col. 2, lines 15-20; ...accessible by multiple levels of users...);

a current state data recollecting step in which, said current state data of said plurality of articles are recollected, when said plurality of articles is used while said plurality of articles is being put for sale as a secondhand article (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...");

a current state data updating step in which the current state data for said plurality of articles stored in said data base are updated based on the recollected usage data () and

an updated current state data provision step in which, updated current state data for said selected article stored in said data base, is provided to the customer via the

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network, while said current state data for said plurality of article are updated (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...");

wherein said current state data comprises article location and cumulative operating hours of said article (col. 1, lines 50-65; "...the age and hours of usage of the machinery...")

As per claim 11, Finch discloses a method performed by a computer system for providing secondhand article information comprising:

a usage data collection step in which usage data showing facts relating to usage of that a plurality of articles are collected, when an article has been used (fig. 2; col. 1, lines 50-65; "...the age and hours of usage of the machinery...");

a usage history storage step in which, the collected usage data are stored as usage history in a database (col. 1, lines 10-20; "...storing information in computerized database...");

a current state data collecting step in which, current state data that show a current state of said plurality of articles are collected at intervals, while said plurality of articles is being put up for sale as a secondhand article (fig. 2; col. 1, lines 50-65; "...the age and hours of usage of the machinery...");

a current state data storage step in which the collected current state data are stored in said data base (col. 1, lines 10-20; "...storing information in computerized database...");

a current state data provision step in which the current state data for a selected article, stored in the data base and selected by a customer from among said plurality of articles, is provided to a customer via a network, while said article is being put up for sale as a secondhand article (fig. 1; col. 1, lines 10-20, 50-65; col. 2, lines 15-20; ...accessible by multiple levels of users...);

a usage history provision step in which, the usage history of a selected article, stored in said data base and selected by a customer from among the plurality of articles, is provided to the customer via a network, while said plurality of articles is being put up for sale as secondhand articles (fig. 1; col. 1, lines 10-20, 50-65; col. 2, lines 15-20; ...accessible by multiple levels of users...);

a usage data recollection step in which said usage data are recollected when said plurality of articles is used while said plurality of articles is being put up for sale as a secondhand articles (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...);

usage data updating step in which the history of the said plurality of articles stored in said data base are updated based on the recollected usage data (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...); and

an updated usage history provision step in which the updated usage history of said selected article stored in said data base, is provided to the customer via the network, while said usage history of said plurality of articles are updated, (fig. 2; col. 1,

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lines 20-30, 50-65; col. 2, lines 15-20; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...);

a current state data recollecting step in which, said current state data of said plurality of articles are recollected, when said plurality of articles is used while said plurality of articles is being put for sale as a secondhand article (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...);

a current state data updating step in which the current state data for said plurality of articles stored in said data base are updated based on the recollected usage data (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...); and

an updated current state data provision step in which, updated current state data for said selected article stored in said data base, is provided to the customer via the network, while said current state data for said plurality of article are updated (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...);

wherein said usage data comprises operation data that shows an amount of work done by said article (col. 1, lines 50-65; "...the age and hours of usage of the machinery..."); and

wherein said current state data comprises article location and cumulative operating hours of said article (col. 1, lines 50-65; "...the age and hours of usage of the machinery...").

As per claim 15, Finch further discloses a method further comprising a step of updating said current state data within said data base based on collected said usage data (col. 1, lines 50-65; "...the age and hours of usage of the machinery...").

As per claim 19, Finch discloses a computer system for providing information about secondhand articles comprising:

usage data collection means for, collecting usage data that show facts relating to usage of a plurality of articles, when an article has been used (fig. 2; col. 1, lines 50-65; "...the age and hours of usage of the machinery...");

a database (col. 1, lines 10-20)

a usage history storage means for storing collected usage data as usage history on said data base (col. 1, lines 10-20; "...storing information in computerized database...");

usage history provision means for, providing the usage history for a selected article, stored in said data base and selected by a customer from among said plurality of articles to a customer via a network, while said article is being put up for sale as a secondhand articles (fig. 1; col. 1, lines 10-20, 50-65; col. 2, lines 15-20; ...accessible by multiple levels of users...);

usage data updating means for updating the usage history of said plurality of articles stored on said data base based on the collected usage data (fig. 2; col. 1, lines

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20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...), wherein,

Said usage data collecting means recollects said usage data of said plurality of articles when said plurality of articles is used while said plurality of articles is being put up for sale as a secondhand articles (fig. 2; col. 1, lines 20-30, 50-65; "...up-to-date information relating to among other things, ownership, financing, ...the age and hours of usage of the machinery...);

Said usage data updating means updates the usage history of said plurality of article stored in said data base (fig. 1; col. 1, lines 10-20, 50-65; col. 2, lines 15-20); and

Said usage history provision means provides the customer via the network with the updated usage history of said selected article stored in said data base (fig. 1; col. 1, lines 10-20, 50-65; col. 2, lines 15-20),

Wherein said usage data comprises operation data that shows an amount of work done by said plurality of articles (col. 1, lines 50-65; "...the age and hours of usage of the machinery...").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2-4, 10, 12, 13, 14, and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch U.S. patent No. 6,850,902 in view of Ukai U.S. Patent Application Publication No. 2003/0191581 A1.

As per claim 2 and 9, Finch failed to explicitly disclose a method, wherein said usage data collection step includes a step for collecting usage data for said plurality of articles by communicating with said plurality of articles from a remote location away from said plurality of articles.

Ukai et al discloses a method, wherein said usage data collection step includes a step for collecting usage data for said plurality of articles by communicating with said plurality of articles from a remote location away from said plurality of articles (see abstract; fig. 5; 0011; 0012; 0015).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Finch and incorporate the method, wherein said usage data collection step includes a step for collecting usage data for said plurality of articles by communicating with said plurality of articles from a remote location away from said plurality of articles as taught by Ukai because such service will facilitate real time update of the condition of the said article required by potential customer for the purposes of evaluating the condition of the article before purchase.

As per claim 3, 10, 12, and 20, Finch failed to explicitly disclose a method further comprising:

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a service data collection step in which, service data that show the facts relating to the service of the said plurality of article are collected, when said plurality of article has been serviced;

a service history storage step in which collected service data are stored as service history in said data base; and

a service history provision step in which, the service history for said selected article stored in said data base, is provided to a customer via a network, when said plurality of articles is being put up for sale as a secondhand articles

Ukai et al discloses a service data collection step in which, service data that show the facts relating to the service of the said plurality of article are collected, when said plurality of article has been serviced (fig. 6; 0103; 0133; 0134; 0137);

a service history storage step in which collected service data are stored as service history in said data base (fig. 6; 0103; 0133; 0134); and

a service history provision step in which, the service history for said selected article stored in said data base, is provided to a customer via a network, when said plurality of articles is being put up for sale as a secondhand articles (fig. 2, 5; 0133; 0134; 0137)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Finch and incorporate the ability to provide a service history data, while said article is being put up for sale as a secondhand article, service history data are provided to the customer via the network as taught by Ukai et al in order to make available the service history data immediately

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available to the potential customer for the purposes of evaluating the condition of the article before purchase.

As per Claims 4 and 14, Finch does not expressly show a system wherein said usage data collection steps, said usage history storage step, and said usage history provision step are conducted simultaneously in parallel so that said plurality of articles still in use can be put up for sale as a secondhand articles.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The usage data collection steps, usage history storage step, and usage history provision step would be performed the same regardless of the order. Thus, this descriptive material will not distinguish the claimed invention from prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide parallel processing of data because such data does not functionally relate to the steps in the method or system claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per claim 12, Finch failed to explicitly disclose a method performed by a computer system for providing secondhand article information, wherein said usage data

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collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article.

Ukai et al discloses a method performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article (see abstract; fig. 5; 0011; 0012; 0015).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Finch and incorporate the method, performed by a computer system for providing secondhand article information, wherein said usage data collection step or current state data collection step includes a step for collecting usage data or current state data for said article by communicating with said article from a remote location away from the said article as taught by Ukai et al because such service will facilitate real time update of the condition of the said article required by potential customer for the purposes of evaluating the condition of the article before purchase.

6. **Claims 6, and ,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch U.S. Patent 6,850,902 in view of Rose Jr. (hereinafter Rose) U.S. Patent No. 6,076,064.

As per claim 6 and 17, Finch failed to explicitly disclose a method wherein said usage data includes photographic data showing actual images of said article.

Rose discloses a method wherein said usage data includes photographic data showing actual images of said article (col. 7, lines 20-40).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Finch and incorporate the ability to provide a usage data wherein said usage data includes photographic data showing actual images of said article as taught by Rose in order to make available the actual images and current state of the article visually apparent to potential customer before purchase.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference cited to Hagenbuch U.S. Patent No. 5,650,928 is a document considered relevant to the claimed invention.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Charlie Lion Agwumezie
Patent Examiner
Art Unit 3621

Acc
March 23, 2007



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